

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TODD E. SHATKIN, DDS, et . al.,

Plaintiffs,

v.

ORDER
07-CV-332

ANDREW JAKSON, et al

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On April 9, 2008 and April 22, 2008, defendants filed motions for summary judgment. On August 1, 2008, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the motions be granted in part and denied in part.

Both parties filed objections to the Report and Recommendation. Oral argument on the objections was held on October 1, 2008.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motions for summary judgment are granted in part and denied in part.

The parties shall appear before the Court on February 6, 2009 at 9:00 a.m. for a status conference or meeting to set trial date.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: January 23, 2009